

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

NEW ALBERTSONS, INC.,

Plaintiff(s),

v.

PHAZE CONCRETE, INC., et al.,

Defendant(s).

Case No. 2:14-CV-1789 JCM (NJK)

ORDER

Presently before the court is the case of *New Albertsons, Inc. v. Phaze Concrete, Inc.*, case number 2:14-cv-01789-JCM-NJK.

This case arises out of a third-party complaint in a personal injury action, *Behroozi v. New Albertsons, Inc.*, case number 2:11-cv-000579-JCM-NJK. On April 15, 2011, defendant New Albertsons, Inc. (“New Albertsons”) removed the case to this court. (Doc. # 1). On October 6, 2011, New Albertsons filed a third party complaint against Phaze Concrete, Inc. (“Phaze Concrete”), for implied equitable indemnity, contractual indemnity, and contribution. (Doc. # 22).

On September 9, 2014, plaintiff Nasrin Behroozi (“Behroozi”) filed a motion for severance and separate trials, asking the court to sever the third-party claims from her underlying personal injury case. (Doc. # 146). On October 24, 2014, the court granted plaintiff’s motion. (Doc. # 171). Pursuant to the court’s order, the clerk’s office assigned a new case number to the third-party action.

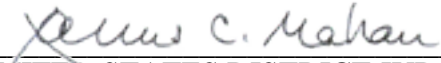
On June 11, 2015, Behroozi and New Albertsons filed a stipulation of dismissal with prejudice in the underlying personal injury case. On June 15, 2015, the court granted the stipulation and dismissed that case.

1 The instant third-party complaint asserts claims of indemnification and contribution based
2 on New Albertsons's potential liability in the underlying personal injury action. (Doc. # 22).
3 Because that case has now been dismissed, it appears to the court that New Albertsons's third party
4 claims are now moot.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the parties shall show
7 cause as to why this action should not be dismissed with prejudice and the case closed. The parties
8 shall file any documentation within one week from the date of this order.

9 DATED July 16, 2015.

10 
11 UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28